

Senate Bill 281

By: Senator Rogers of the 21st

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 49-5-281 of the Official Code of Georgia Annotated, relating to a bill of rights for foster parents, so as to provide that a foster parent or parents shall have the right to hire independent legal counsel for representation in a grievance process; to provide for construction; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 49-5-281 of the Official Code of Georgia Annotated, relating to a bill of rights for foster parents, is amended by striking subsection (a) and inserting in its place the following:

"(a) The General Assembly finds that foster parents who are volunteers providing care for children who are in the custody of the Department of Human Resources play an integral, indispensable, and vital role in the state's effort to care for dependent children displaced from their homes. The General Assembly further finds that it is in the best interest of Georgia's child welfare system to acknowledge foster parents as active and participating members of this system and to support them through the following bill of rights:

(1) The right to be treated by the Division of Family and Children Services of the Department of Human Resources and other partners in the care of abused children with dignity, respect, and trust as a primary provider of foster care and a member of the professional team caring for foster children;

(2) The right not to be discriminated against on the basis of religion, race, color, creed, gender, marital status, national origin, age, or physical handicap;

(3) The right to continue with his or her own family values and beliefs, so long as the values and beliefs of the foster child and the birth family are not infringed upon and consideration is given to the special needs of children who have experienced trauma and

1 separation from their families. This shall include the right to exercise parental authority
2 within the limits of policies, procedures, and other directions of the Division of Family
3 and Children Services and within the limits of the laws of the State of Georgia;

4 (4) The right to receive both standardized pre-service training, including training in
5 Division of Family and Children Services policies and procedures and appropriate
6 ongoing training, by the Division of Family and Children Services or the placing agency
7 at appropriate intervals to meet mutually assessed needs of the child and to improve foster
8 parents' skills and to apprise foster parents of any changes in policies and procedures of
9 the Division of Family and Children Services and any changes in applicable law;

10 (5) The right to be apprised of information, laws, and guidelines on the obligations,
11 responsibilities, and opportunities of foster parenting and to be kept informed of any
12 changes in laws, policies, and procedures regarding foster parenting by the Division of
13 Family and Children Services in a timely manner and at least annually;

14 (6) The right to receive timely financial reimbursement according to the agreement
15 between the foster parents and the Department of Human Resources from funds
16 appropriated by the General Assembly and to be notified of any costs or expenses for
17 which the foster parent may be eligible for reimbursement;

18 (7) The right to receive information from the Division of Family and Children Services
19 on how to receive services and reach personnel 24 hours per day, seven days per week;

20 (8) The right prior to the placement of a child to be notified of any issues relative to the
21 child that may jeopardize the health and safety of the foster family or the child or alter
22 the manner in which foster care should be administered;

23 (9) The right to discuss information regarding the child prior to placement. The Division
24 of Family and Children Services will provide such information as it becomes available
25 as allowable under state and federal laws;

26 (10) The right to refuse placement of a child in the foster home or to request, upon
27 reasonable notice, the removal of a child from the foster home without fear of reprisal or
28 any adverse affect on being assigned any future foster or adoptive placements;

29 (11) The right to receive any information through the Division of Family and Children
30 Services regarding the number of times a foster child has been moved and the reasons
31 therefor; and to receive the names and phone numbers of the previous foster parents if the
32 previous foster parents have authorized such release and as allowable under state and
33 federal law;

34 (12) The right, at any time during which a child is placed with the foster parent, to
35 receive from the Division of Family and Children Services any and all additional
36 pertinent information relevant to the care of the child;

1 (13) The right to be provided with a written copy of the individual treatment and service
2 plan concerning the child in the foster parent's home and to discuss such plan with the
3 case manager, as well as reasonable notification of any changes to that plan;

4 (14) The right to participate in the planning of visitation with the child and the child's
5 biological family with the foster parents recognizing that visitation with his or her
6 biological family is important to the child;

7 (15) The right to participate in the case planning and decision-making process with the
8 Division of Family and Children Services regarding the child as provided in Code Section
9 15-11-58;

10 (16) The right to provide input concerning the plan of services for the child and to have
11 that input considered by the department;

12 (17) The right to communicate for the purpose of participating in the case of the foster
13 child with other professionals who work with such child within the context of the
14 professional team, including, but not limited to, therapists, physicians, and teachers, as
15 allowable under state and federal law;

16 (18) The right to be notified in advance, in writing, by the Division of Family and
17 Children Services or the court of any hearing or review where the case plan or
18 permanency of the child is an issue, including periodic reviews held by the court or by
19 the Judicial Citizen Review Panel, hearings following revocation of the license of an
20 agency which has permanent custody of a child, permanency hearings, and motions to
21 extend custody, in accordance with Code Section 15-11-58;

22 (19) The right to be considered, where appropriate, as a preferential placement option
23 when a child who was formerly placed with the foster parents has reentered the foster
24 care system;

25 (20) The right to be considered, where appropriate, as the first choice as a permanent
26 parent or parents for a child who, after 12 months of placement in the foster home, is
27 released for adoption or permanent foster care;

28 (21) The right to be provided a fair and timely investigation of complaints concerning
29 the operation of a foster home;

30 (22) The right to an explanation of a corrective action plan or policy violation relating
31 to foster parents; ~~and~~

32 (23) The right, to the extent allowed under state and federal law, to have an advocate
33 present at all portions of investigations of abuse and neglect at which an accused foster
34 parent is present. Child abuse and neglect investigations shall be investigated pursuant
35 to Division of Family and Children Services policies and procedures, and any removal
36 of a foster child shall be conducted pursuant to those policies and procedures. The
37 Division of Family and Children Services will permit volunteers with the Adoptive and

1 Foster Parent Association of Georgia to be educated concerning the procedures relevant
2 to investigations of alleged abuse and neglect and the rights of accused foster parents.
3 After such training, a volunteer will be permitted to serve as an advocate for an accused
4 foster parent. All communication received by the advocate in this capacity shall be
5 strictly confidential; and

6 (24)(A) The right to hire independent legal counsel to file any grievance on their
7 behalf, to have legal counsel present for any and all meetings between the Division of
8 Family and Children Services and the foster parent or parents, and the right to have
9 legal counsel present when any action is being contemplated or discussed with regard
10 to the foster parent or parents. Legal counsel may be retained to work with, or in
11 addition to, any advocate appointed to represent the foster parent or parents.

12 (B) The attorney representing the foster parent or parents shall be allowed access to
13 any and all information relating to the foster parent or parents and the decision or issue
14 complained about by the foster parent or parents. The attorney shall have access to any
15 and all information that is or may be provided to an advocate appointed to represent the
16 foster parent or parents.

17 (C) Should the Department of Human Resources or any agency forbid legal counsel
18 from being allowed to attend any meeting with the foster parent or parents, the
19 department will be liable for any and all legal fees incurred by the foster parent or
20 parents that are expended in an effort to give the foster parent or parents the right to
21 have legal representation through the entire grievance process.

22 (D) While a foster parent is entitled to retain legal counsel, this Code section shall not
23 be construed to create a right to court appointed legal counsel."

24 SECTION 2.

25 All laws and parts of laws in conflict with this Act are repealed.